

## **LICENSING SUB-COMMITTEE**

Thursday 25 June 2020

### **Present:**

Councillors Owen, Buswell and Wood

### **Also Present:**

Solicitor, Principal Licensing Officer and Democratic Services Officer (MD)

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### **APPOINTMENT OF CHAIR**

Councillor Owen was appointed as Chair for this meeting.

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### **DECLARATIONS OF INTEREST**

The following Members declared personal (\*prejudicial) interests as indicated: -

<b>COUNCILLOR WOOD</b>	<b>MINUTE 36 and 37</b>
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### **LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985 EXCLUSION OF PRESS AND PUBLIC**

**RESOLVED** that, under Section 100A (4) of the Local Government Act 1972, the press and public be excluded from the meeting for the consideration of the following items on the grounds that they involved the likely disclosure of exempt information as defined in Paragraph 1 of Part I, Schedule 12A of the Act.

#### **LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976**

#### **TOWN POLICE CLAUSES ACT 1847**

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### **APPLICATION FOR A LICENCE RELATING TO A RENEWAL OF A PRIVATE HIRE VEHICLE OVER 9 YEARS OLD.**

The Chair introduced the Sub-Committee and the Solicitor set out the procedure for the hearing advising of the Council's policy and the requirements under Section 48(1) of the Local Government (Miscellaneous Provisions) Act 1976.

The vehicle was a 4 passenger, Ford Mondeo, without wheel chair access which was first registered on 5th October 2010 making the vehicle 9 years old, on the application date. A vehicle MOT certificate had been submitted, dated 19th March 2020, which showed there was a mileage 166,566 miles recorded. An independent mechanical inspection report had also been submitted, dated 7 May 2020. The Applicant had been unable to present the vehicle to the Licensing Authority for inspection because of the Covid-19 pandemic, but had submitted a number of photographs to highlight the condition of the vehicle. It was the Licensing Authorities opinion the vehicle was in good condition. The vehicle was first plated by Exeter City Council on 1st May 2012, and has been licensed since that date.

Vehicles presented for renewal between the ages of 9 and 10 years old would be referred to the licensing sub-Committee for determination. The Council's Practices and Procedures for the control of Hackney Carriage and Private Hire Vehicles, Drivers and Operators and the Code of Conduct for Licensed Drivers ('Taxi Policy')

stated that vehicles presented for renewal that were more than 10 years old, should not be granted, but the applicant would be given the right to apply for the application to be considered by the Licensing Sub-Committee if the applicant felt their circumstances justified a deviation from the existing Taxi Policy.

The Applicant was in attendance and spoke in support of the application. He explained that the vehicle was 8 months old at the time of purchase with very low mileage. The Covid 19 pandemic had caused an issue with attaining a loan to purchase a new vehicle, and the volume of taxi work had significantly decreased in recent months. The vehicle was in good condition and the Applicant stated the importance of being able to work.

In response to questions from the Members, the Solicitor and the Principal Licensing Officer, the Applicant explained:-

- He was unable to take a loan because of the current financial situation and low volume of work;
- The photos submitted in the report were taken several months back;
- The level of taxi work had dropped significantly, with a recent working day involving no pickups over a three hour period;
- The vehicle was serviced every 8000 miles and any work requested to be done was completed immediately;
- He was the first owner of the vehicle and the sole driver. He ensured it was well maintained and kept in excellent condition.

**RESOLVED** that the application for the grant of a Private Hire / Hackney Carriage Vehicle licence be approved for 12 Months, subject to inspection of the vehicle by the Licensing Authority.

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#### **APPLICATION FOR A LICENCE RELATING TO A RENEWAL OF A PRIVATE HIRE VEHICLE OVER 9 YEARS OLD**

The Chair introduced the Sub-Committee and the Solicitor set out the procedure for the hearing advising of the Council's policy and the requirements under Section 48(1) of the Local Government (Miscellaneous Provisions) Act 1976.

The Principal Licensing Officer presented an application to grant a Private Hire Vehicle licence in relation to a Vauxhall Zafira, which was first registered on 21 December 2010, making the vehicle over 9 years old. The vehicle held a current MOT certificate dated 6 March 2020, with a recorded mileage of 169,941 miles and the Applicant had submitted an independent mechanical inspection report, dated 20th May 2020. The vehicle could not be presented to the Licensing Authority for inspection, owing to the ongoing Covid-19 pandemic, however photographs of the vehicle had been presented to the Licensing Authority who considered the vehicle to be in a good condition. The vehicle was first plated by Exeter City Council on 28th April 2014, and had been licensed since that date.

Vehicles presented for renewal between the ages of 9 and 10 years old would be referred to the licensing sub-Committee for determination. The Council's Practices and Procedures for the control of Hackney Carriage and Private Hire Vehicles, Drivers and Operators and the Code of Conduct for Licensed Drivers ('Taxi Policy') stated that vehicles presented for renewal that were more than 10 years old, should not be granted, but the applicant would be given the right to apply for the application to be considered by the Licensing Sub-Committee if the applicant felt their circumstances justified a deviation from the existing Taxi Policy.

The Applicant was in attendance and spoke in support of the application. He

explained that the vehicle was in excellent condition and serviced every 10,000 miles. Any work required to the vehicle was done immediately. He had a good opinion of the vehicles condition and was confident the vehicle could run for another 12 months. It did not burn oil and was considered sufficient for taxi work.

In response to questions from the Members, the Solicitor and the Principal Licensing Officer, the Applicant explained:-

- He undertook short distance taxi work, but there had been very little work during the Coronavirus pandemic, which had impacted greatly on the taxi trade;
- He was looking for a 12 month renewal on the vehicle, to support him through the uncertain period with a view to replace the vehicle in 12 months.

**RESOLVED** that the application for the grant of a Private Hire / Hackney Carriage Vehicle licence be approved for 12 Months, subject to inspection of the vehicle by the Licensing Authority.

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#### **APPLICATION FOR A LICENCE RELATING TO A RENEWAL OF A PRIVATE HIRE VEHICLE OVER 10 YEARS OLD**

Councillor Wood declared an interest, having known the applicant, and left the meeting for the duration of the item and determination.

The Chair introduced the Sub-Committee and the Solicitor set out the procedure for the hearing advising of the Council's policy and the requirements under Section 48(1) of the Local Government (Miscellaneous Provisions) Act 1976.

The Principal Licensing Officer presented an application to grant a Private Hire Vehicle licence in relation to an eight passenger, wheelchair accessible Renault Traffic, which was first registered on 30 March 2010, making the vehicle over 10 years old.

The vehicle held a current MOT certificate dated 1 February 2020, with a recorded mileage at the time of the inspection of 308,309 miles. The Applicant had submitted an independent mechanical inspection report, dated 17 February 2020 and had previously submitted the vehicle for inspection on 6 February 2020, which had been considered to be in good condition by the Licensing Authority. The vehicle has been first plated by Exeter City Council on 23 February 2012 and had been licensed since that time.

Vehicles presented for renewal over 10 years old would be referred to the licensing sub-Committee for determination. The Council's Practices and Procedures for the control of Hackney Carriage and Private Hire Vehicles, Drivers and Operators and the Code of Conduct for Licensed Drivers ('Taxi Policy') stated that vehicles presented for renewal that were more than 10 years old, should not be granted, but the applicant would be given the right to apply for the application to be considered by the Licensing Sub-Committee if the applicant felt their circumstances justified a deviation from the existing Taxi Policy.

The Applicant was in attendance and spoke in support of the application. He explained that the vehicle was in perfect condition and was a wheelchair accessible vehicle used for transporting children to the West of England School. He was developing the number of wheelchair accessible vehicles in Exeter but was cautious of investment in newer vehicles because of the financial implications during the Coronavirus pandemic.

In response to questions from the Members, the Solicitor and the Principal Licensing Officer, the driver explained:-

- His business had been impacted during the pandemic, having lost several customers. He had continued to work with the NHS and some school pickups;
- The vehicle was serviced every 10,000 miles and any issues would be fixed by the mechanic and attended to;
- The vehicle would eventually be replaced, but it was important to increase the wheelchair accessible fleet and keep the current vehicles in good working order. The mileage had also dropped in recent years.

**RESOLVED** that the application for the grant of a Private Hire / Hackney Carriage Vehicle licence be approved for 12 Months.

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**APPLICATION FOR A LICENCE RELATING TO A RENEWAL OF A PRIVATE HIRE VEHICLE OVER 9 YEARS OLD**

Councillor Wood declared an interest, having known the applicant, and left the meeting for the duration of the item and determination.

The Chair introduced the Sub-Committee and the Solicitor set out the procedure for the hearing advising of the Council's policy and the requirements under Section 48(1) of the Local Government (Miscellaneous Provisions) Act 1976.

The Principal Licensing Officer presented an application to grant a Private Hire Vehicle licence in relation to an eight passenger, non-wheelchair accessible Renault Traffic, which was first registered on 12 May 2011, making the vehicle over 9 years old.

The vehicle held a current MOT certificate dated 23 May 2020, with a recorded mileage at the time of the inspection of 274,475 miles. The Applicant had submitted an independent mechanical inspection report, dated 8 June 2020 and had previously submitted the vehicle for inspection on 6 February 2020, which had been considered to be in good condition by the Licensing Authority. The vehicle has been first plated by Exeter City Council on 23 February 2012 and had been licensed since that time. The vehicle could not be presented to the Licensing Authority for inspection, owing to the ongoing Covid-19 pandemic, however photographs of the vehicle had been presented to the Licensing Authority who considered the vehicle to be in a good condition. The vehicle was first plated by Exeter City Council on 11 May 2011, and had been licensed since that date.

Vehicles presented for renewal between the ages of 9 and 10 years old would be referred to the licensing sub-Committee for determination. The Council's Practices and Procedures for the control of Hackney Carriage and Private Hire Vehicles, Drivers and Operators and the Code of Conduct for Licensed Drivers ('Taxi Policy') stated that vehicles presented for renewal that were more than 10 years old, should not be granted, but the applicant would be given the right to apply for the application to be considered by the Licensing Sub-Committee if the applicant felt their circumstances justified a deviation from the existing Taxi Policy.

The Applicant was in attendance and spoke in support of the application. He explained that the vehicle has been purchased brand new and knew the vehicle well having been its driver for over four years. He considered the vehicle to be exceptional and was used for taking challenged children to school. He was wary of changing the vehicle to avoid disrupting the children who had become dependent on the vehicle and were familiar with it. The vehicle was also used for NHS work and prior to the Coronavirus pandemic was used for airport runs to Heathrow and

Bristol.

The Applicant expressed his thanks and appreciation to the officers in the Licensing team for all their hard work and support during the Coronavirus pandemic.

**RESOLVED** that the application for the grant of a Private Hire / Hackney Carriage Vehicle licence be approved for 12 Months, subject to inspection of the vehicle by the Licensing Authority.

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**HEARING TO DETERMINE WHETHER AN APPLICANT FOR A HACKNEY  
CARRIAGE / PRIVATE HIRE DRIVERS LICENCE IS A FIT AND PROPER  
PERSON TO HOLD A THE LICENCE**

The Chair introduced the Licensing Sub Committee Members and Officers. The applicant had been referred to the Licensing Sub Committee to determine if he was a fit and proper person to hold a licence to drive a Hackney Carriage/Private Hire Vehicle.

The Solicitor set out the procedure for the hearing and explained Section 51 of the Local Government (Miscellaneous Provisions) Act 1976 stating that the Licensing Authority must be satisfied that a driver is a fit and proper person to hold a licence to drive a Hackney Carriage/Private Hire Vehicle.

The Solicitor stated that evidential burden is on the applicant to prove fitness and propriety on the balance of probabilities. Every case before the Licensing Sub-Committee was heard on its individual merits and the main concern of the Licensing Sub-Committee was the safety of the travelling public.

The Principal Licensing Officer presented the report and gave evidence in respect of the application. The Applicant was in attendance, joined by a support representative, to speak in support of the application and respond to Member questions.

**RESOLVED** that the Licensing Sub-committee were not satisfied that the Applicant was a fit and proper person to hold a driver's licence for a Hackney Carriage/Private Hire Vehicle.

(The meeting commenced at 10.00 am and closed at 12.50 pm)

Chair